

Free

Docket No.: M4065.0143/P143-A
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Phillip J. Ireland et al.

Application No.: 09/941,760

Confirmation No.: 7179

Filed: August 30, 2001

Art Unit: 1756

For: IMPROVED PHOTOLITHOGRAPHY
PROCESS USING MULTIPLE ANTI-
REFLECTIVE COATINGS

Examiner: N. M. Barreca

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the election requirement mailed on January 10, 2006, Applicant hereby elects Species I, as it is designated in that Office Action, with traverse. Claims 32, 36, 38, 39, 40, 42, 44-48, and 50 read on the elected species.

Applicant respectfully submits that the subject matter of provisionally elected Species I is closely related to the subject matter of at least unelected claims 51, 60, 61, and 63 of Species II through IV, respectively. A search of the subject matter of the Species I claims would necessarily cover the subject matter of the Species II through IV claims. Further, Species II, III, and IV include a small number of total claims. Additionally, Applicant respectfully notes that prosecution activity has been taken place since January 2003, which includes the issuance by the Patent Office of six (6)

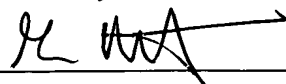
substantive Office Actions, and the preparation and filing of corresponding responses by the Applicant. Applicant asserts that compliance with the pending Office Action would impose a serious burden upon the Applicant inasmuch as claims already extensively considered would have to be treated again in a divisional application. Applicant further notes that a search was conducted by the Patent Office in relation to the substantive Office Actions, as evidenced by the attachment to each of the four Non-Final Office Actions of a respective Notice of References Cited indicating several references. Accordingly, no undue burden would be involved in examining all claims in this application. Applicant respectfully requests that the Examiner consider and examine all claims in this application. See M.P.E.P. § 803.

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than two species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Dated: February 1, 2006

Respectfully submitted,

By 
Gianni Minutoli

Registration No.: 41,198
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
2101 L Street NW
Washington, DC 20037-1526
(202) 785-9700
Attorney for Applicant